

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

JOSEPH CICCIO et al.

v.

SMILEDIRECTCLUB, LCC et al.

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Case No. 3:19-cv-00845

Judge Trauger

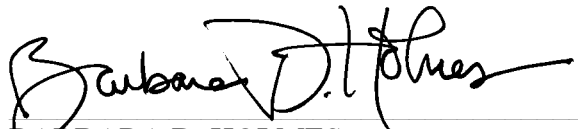
Magistrate Judge Holmes

ORDER

Upon the notice of the filing of a voluntary petition for chapter 11 relief by Defendants SmileDirectClub, LLC and SmileDirectClub, Inc. (Docket No. 462), this matter was stayed as to those parties, as expressly provided for in the Court's order of October 4, 2023. (Docket No. 463).

The Court is unaware of any pending or outstanding matters under consideration by the Special Master. However, should there be any such matters, the Special Master may file a report, which shall be for informational purposes only as to Defendants SmileDirectClub, LLC and SmileDirectClub, Inc. Further, the Special Master may file a final (or interim) motion for allowance of fees, the payment of which shall be shared one-half by Plaintiffs and one-half by the named Defendants other than SmileDirectClub, LLC and SmileDirectClub, Inc.¹ See April 19, 2021 Order appointing Special Master (Docket No. 168 at 4) (cost of Special Master's compensation will be split equally among parties, subject to any reallocation by the Court).

It is SO ORDERED.



BARBARA D. HOLMES

United States Magistrate Judge

¹ It is well-established that the automatic stay does not enjoin actions against entities that have not filed a petition under the Bankruptcy Code. *In re Kirby*, 151 B.R. 463, 465 (Bankr. M.D. Tenn. 1992). See also *NHI Reit of TX-IL, LLC v. LaSalle Group, Inc.*, 387 F.Supp.3d 850, 851 (M.D. Tenn. 2019) (section 362(a)(1) does not automatically apply to separate legal entities, partners in debtor partnerships, or to codefendants in pending litigation and in the absence of a showing of unusual circumstances does not halt proceedings against solvent codefendants).